

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov**

In re:

Case No. 9-19-bk-02577-FMD
Chapter 13

Joseph Dennis Gilberti, Jr.

Debtor.

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**TRUSTEE'S MOTION TO DISMISS CASE FOR FAILURE TO
COMPLY WITH FIRST DAY ORDER OF ONE OR MORE DEFICIENCIES**

A preliminary hearing in this case will be held on May 16, 2019 at 2:15 *pm* before the Honorable Caryl E. Delano, United States Bankruptcy Judge, in Courtroom E, Room 4-102, 2110 First Street, Ft. Myers, Florida to consider and act upon this matter

JON M. WAAGE, the Chapter 13 Standing Trustee, hereby moves for the entry of an Order of Dismissal and in support thereof would state as follows:

1. The Debtor's Petition for Relief under Chapter 13 of the Bankruptcy Code was filed on March 25, 2019.
2. A § 341 Meeting of Creditors was scheduled on April 25, 2019 pursuant to the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines, a copy of which the Clerk of the Bankruptcy Court mailed to all parties in interest on or about March 31, 2019.
3. The Debtor appeared at the aforementioned § 341 Meeting of Creditors but failed to provide at least seven **(7) days prior** to the § 341 Meeting of Creditors the Chapter 13 Trustee with copies of tax returns for the two years preceding the petition date and copies of all pay stubs, advices, or documentation of income sources (Payment Advices) for the six month period before he filed.

4. Further, the Debtor failed to provide proof of his social security number at the § 341 meeting.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order of Dismissal for the above-styled Chapter 13 case, together with such other and further relief as the Court deems just and proper.

/s/ Michael E. Cecil
Michael E. Cecil, Esquire
Florida Bar No. 722855
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Trustee
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished electronically and/or by U.S. Mail, to Pro Se Debtor **Joseph Dennis Gilberti, Jr.**, 385 Donora Blvd., Ft. Myers Beach, Florida 33931 this 25th day of April 2019.

/s/ Michael E. Cecil
Michael E. Cecil, Esquire

JMW/MEC/br